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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
10/700,769	11/05/2003	Hans-Ulrich Stauber	P56988	6343								
7590 Robert E. Bushnell Attorney-at-Law Suite 300 1522 "K" Street, N.W. Washington, DC 20005-1202		03/30/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">NICHOLSON III, LESLIE AUGUST</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3651</td><td></td></tr></table>		EXAMINER		NICHOLSON III, LESLIE AUGUST		ART UNIT	PAPER NUMBER	3651	
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SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE									
3 MONTHS		03/30/2007	PAPER									

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/700,769

Applicant(s)

STAUBER, HANS-ULRICH

Examiner

Leslie A. Nicholson III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. All previous objections to the specification and drawings, as well as all previous 35 USC 112 1<sup>st</sup> and 2<sup>nd</sup> paragraph rejections are hereby withdrawn.

Applicant's arguments, regarding claim 21, filed 3/17/2007 have been fully considered but they are not persuasive.

Applicant argues Muller does not disclose the limitations of claim 21, namely, "wherein the conveyor device in the transfer region (or conveyor assembly) is arranged adjacent to a collection drum end of the collection drum". In response, adjacent is defined as "lying near, close, or contiguous". As shown in figure 1, conveyor device (40) is arranged adjacent to a collection drum end of the collection drum (14).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Muller USP 5,562,278.

Muller discloses a device for collecting and processing folded printed products comprising:

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- a collection drum (14) rotatably drivable about its drum axis and comprised of first rests (18) with first saddles (20)
- the first rests (18) being uniformly distributed over the circumference and extending in their longitudinal extension parallel to the drum axis (C3/L33-36), as well as conveyor elements (34) for conveying the printed products on the first saddles (20) in the axial direction along the firsts rests (18)
- a conveyor device (40) comprising a revolving conveyer (40) having an upper side and a lower side (fig.7)
- a conveyor path with a conveyor direction (u) which at least in a transfer region deviates from the axial direction
- second rests (42) movable in the conveyor path, and second saddles (52) arranged distanced to one another and arranged transversely to the conveying direction
- the conveyor device in the transfer region arranged adjacent to an end of the collection drum to enable carriage of the printed products to be transferred from an end to the conveyor device or vice versa (C11/L5-7)
- the second rests (42) being movable propelled along the conveyor path independently from the collection drum
- at least one station (88") positioned radially on an inside of the revolving conveyor (40), disposed to modify printed products carried by the revolving conveyor

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- a securement system (C10/L65-C11/L5) disposed along the lower side hindering printed products from escaping from carriage with the second rests (42)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24,25,30-34,36,37,39,40,42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller USP 5,562,278 in view of Meier USP 5,657,978.

Muller discloses a device for collecting and processing folded printed products comprising:

- a collection drum (14) comprising a terminal end and a plurality of first rests (18) bearing first saddles (20)
- the first rests (18) being uniformly distributed over the circumference and extending in their longitudinal extension parallel to the drum axis (C3/L33-36), as well as conveyor elements (34) for conveying the printed products on the first saddles (20) in the axial direction along the firsts rests (18)
- a conveyor device (40) comprising a revolving conveyer, or a carriage unit, having an upper side and a lower side (fig.1)
- a conveyor path with a conveyor direction (u) which at least in a transfer region deviates from the axial direction

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- second rests (42) bearing second saddles (52) movable in the conveyor path, and the second saddles arranged distanced to one another and arranged transversely to the conveying direction
- the second rests (42) of a side opposite the second saddles (52) are supported on at least one rail (C10/L66 – C11/L4).
- the second rests (42) are movably supported on rails (72)
- the conveyor device accommodating within the transfer region a transfer of printed products between the first rests at the collection drum terminal end and the second rests of the conveyor (see figures)
- the second rests (42) being movable propelled along the conveyor path independently from the collection drum
- the conveyor device (40) accommodates operating conditions with selected ones of binding stations, wire saddle stitching stations (82), adhesion stations (74), and an additional collection station (90, 98) disposed to directly modify the printed products while the printed products are carried by the conveyor device on an upper side (figs.5,7) of the conveyor device
- the second saddles (52) of the second rests (42) in the complete conveyor path (fig. 2) are movable in parallel with a predefined, equal distance to one another and conveyor devices (46') disposed to cooperate with the second rests (42) close to the saddle (52)

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- the working stations (74, 82, 90, 92, 94, 96, 98, 100, 102, 112, 28, 30, 88, 88', 88'') could possibly be allocated to the conveyor (40) means in an exchangeable sequence (C9/L10-20)
- the conveyor (40) means is designed as a revolving conveyor with an upper and a lower side with an essentially horizontal conveyor path (fig.1)

Muller does not expressly disclose the conveyor device being detachable from the collection drum and rotatably drivable independently of the conveyor drum.

Meier teaches the conveyor device being detachable from the collection drum and rotatably drivable independently of the conveyor drum for the purpose of allowing portion to rotate at different speeds (C4/L50-63).

6. Claims 26,35,38,41,43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller USP 5,562,278 in view of Mowry USP 4,641,825.

Muller discloses all the limitations of the claims, but does not expressly disclose bending elements integrated with the second rests. In fact, Muller does not disclose that the staples are bent at all.

Mowry teaches bending elements (72) integrated with rests (13) for the purpose of bending the staples provided by a stapling apparatus to prevent the staples from falling out of a bound printed product as is commonly known in the art.

It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to utilize bending elements integrated with the second rests, as taught by Mowry, in the device of Muller, for the purpose of bending the staples

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provided by a stapling apparatus to prevent the staples from falling out of a bound printed product.

7. Claims 27, 28, and 29 (see ¶5, 6) are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller USP 5,562,278 (in view of Mowry USP 4,641,825; see ¶6) (further) in view of Hansch USP 5,172,897.

Muller discloses all the limitations of the claims, but does not expressly disclose that the stapling apparatus is movably mounted on a rail guided approximately parallel to the conveyor path.

Hansch teaches a stapling apparatus (28) that is movably mounted on a rail (26) guided approximately parallel to the conveyor path for the purpose of permanently assigning to a stapler head to each support allowing the stapling heads of a stapling head arrangement to be mutually offset in the longitudinal direction of the supports. It is thus possible, for example, for each second stapling head to be slightly offset in relation to the other stapling heads arranged in a plane. All the staples do not then come to be located above one another during stacking of the stapled sheets (C15/L1-15).

It would have been obvious for a person of ordinary skill in the art, at the time of the applicant's invention to modify Muller by utilizing a stapling apparatus that is movably mounted on a rail guided approximately parallel to the conveyor path, as taught by Hansch, in the device of Muller, for the purpose of permanently assigning to a stapler head to each support allowing the stapling heads of a stapling head arrangement to be mutually offset in the longitudinal direction of the supports. It is thus



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possible, for example, for each second stapling head to be slightly offset in relation to the other stapling heads arranged in a plane. All the staples do not then come to be located above one another during stacking of the stapled sheets.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.  
3/27/2007

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER